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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,000	12/29/2003	Leon Eugene Chambers JR.	KC-18,446	6547

7590 06/04/2007
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EXAMINER

KIDWELL, MICHELE M

ART UNIT	PAPER NUMBER
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3761

MAIL DATE	DELIVERY MODE
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06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,000

Applicant(s)

CHAMBERS ET AL.

Examiner

Michele Kidwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08). Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 2 – 4, 19 – 21 and 25 – 31 is withdrawn in view of the newly discovered reference(s) to Chakravarty et al. (US 2003/0119413).

Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 26 and 29 – 33 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Chakravarty et al. (US 2003/0119413).

With reference to claims 1 – 3, Chakravarty et al. (hereinafter "Chakravarty") discloses an absorbent structure, comprising: a central longitudinal region; two distal longitudinal regions located along opposite sides of the central longitudinal region; and an absorbent material at least partially stabilized with a binder material and located in the central longitudinal region and in each of the two distal longitudinal regions, wherein

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the absorbent material is more stabilized in the central longitudinal region than in either of the two distal longitudinal regions wherein the central longitudinal region contains a higher concentration of bond points than in either of the two distal longitudinal regions as set forth on page 5, [0049]. The examiner contends that the central longitudinal region is considered to be more stabilized and including a higher concentration of bond points because the central longitudinal region is greater than either of the two distal longitudinal regions as shown in figure 2.

As to claims 4 – 5, 21 – 22 and 28, see page 9, [0095 – 0096].

With reference to claims 6 – 7, see page 9, [0094].

Regarding claim 8, see page 9, [0095].

As to claim 9, see page 9, [0090].

With reference to claim 10, see page 14, [0144].

With respect to claims 11 – 12, see page 6, [0057] and page 7, [0069].

As to claim 13, see page 1, [0006].

As to claims 14 – 15, see page 5, [0051 – 0053].

Regarding claims 16, 23 and 31, see page 4, [0046].

As to claim 17, see page 9, [0095].

As to claims 18 – 20 and 32 – 33, see the rejection of claim 1. The outer cover and liner are taught on page 3, 0034].

Regarding claim 24, see page 3, [0031].

With reference to claims 25 and 29, see the rejection of claim 1.

As to claims 26 and 30, see page 6, [0056].

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chakravarty et al. (US 2003/0119413).

Chakravarty also discloses an absorbent structure that is thicker in the central longitudinal region than in the two distal longitudinal regions as set forth in figure 2.


It would have been obvious to one of ordinary skill in the art to activate the binder material in the central longitudinal region longer than the binder material in the two distal longitudinal regions because a thicker absorbent structure would require longer activation than a thinner structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michele Kidwell
Primary Examiner
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